

COMMISSION MEETING MINUTES

JUNE 19, 2014

A MEETING OF THE BOARD OF COMMISSIONERS OF THE CITY OF JOHNSON CITY, TENNESSEE was held in the Commission Chambers of the Municipal and Safety Building, 601 East Main Street, Johnson City, Tennessee on Thursday, June 19, 2014.

PRESENT: Mayor Ralph Van Brocklin, Vice-Mayor Clayton Stout, Commissioners Jeff Banyas, Jenny Brock and David Tomita, Pete Peterson, City Manager, and Janet Jennings, City Recorder.

Mayor Ralph Van Brocklin called the meeting to order at 6:00 p.m.

At this time, Reverend Gerald Casson, Wesley Memorial United Methodist Church, gave the invocation, which was followed by the pledge of allegiance.

Upon motion by Vice-Mayor Clayton Stout, seconded by Commissioner Jenny Brock, the following resolution was offered for adoption. The motion **carried** by five ayes. There were no nay votes.

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF JOHNSON CITY, That the minutes of the regularly scheduled City Commission Meeting held on Thursday, June 5, 2014, be and the same are hereby approved.

At this time, Tim Swecker, Unit Sales Manager, Pepsi Beverages Company, presented Pepsi Fireworks Celebration promotional packages to the Board of Commissioners.

At this time, Mayor Ralph Van Brocklin presented a proclamation recognizing Emergency Management Services for receiving the John Bond EMS Administrator Award from the Tennessee Ambulance Association and the Lifeline EMS Silver Award from the American Heart Association. Present to accept proclamation: Dan Wheeley, Washington County/Johnson City EMS Executive Director and Brad Gerfin, Operations Director.

Whereas Washington County/Johnson City EMS provides critical emergency medical and rescue services to all communities in Washington County; and

Whereas the dedication of Washington County/Johnson City EMS has to saving lives recently was recognized with the American Heart Association's Mission: Lifeline[®] EMS Silver Award, which recognizes its commitment and success in implementing specific quality improvement measures for the treatment of patients who suffer a severe heart attack known as a STEMI (ST Elevation Myocardial Infarction); and

Whereas EMS Director Dan Wheeley also was honored by the Tennessee Ambulance Service Association, with the John Bond EMS Administrator Award for his significant contributions to EMS.

Now, Therefore, I, Ralph J. Van Brocklin, Mayor of the City of Johnson City, do hereby commend Washington County/Johnson City EMS for the outstanding service that it provides to our citizens. We are indebted to all those employees who ensure our safety and well-being everyday.

In Witness Whereof,

I have hereunto set my hand and caused the Official Seal of the City of Johnson City, Tennessee, to be affixed this 19th day of June 2014.

/s/ Ralph J. Van Brocklin

Ralph J. Van Brocklin, Mayor

At this time, Mayor Ralph Van Brocklin opened the public input session. No one spoke.

Upon motion by Commissioner Jeff Banyas, seconded by Commissioner David Tomita, the following resolution was offered for adoption. The motion **carried** as follows: Mayor Ralph Van Brocklin and Commissioners Jeff Banyas and David Tomita voted aye. Vice-Mayor Clayton Stout and Commissioner Jenny Brock voted nay.

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF JOHNSON CITY, That a beer license for Johnson City Sports Foundation, Inc., 111 Legion Street, Johnson City, Tennessee, be and the same is hereby approved. Tyler Parsons, General Manager, was present.

Upon motion by Commissioner Jeff Banyas, seconded by Commissioner Jenny Brock, the following resolution was offered for adoption. The motion **carried** by five ayes. There were no nay votes.

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF JOHNSON CITY, That confirmation of the Mayor's appointment of Uwe Rothe to the Johnson City Regional Planning Commission, be and the same is hereby approved.

Upon motion by Vice-Mayor Clayton Stout, seconded by Commissioner Jenny Brock, the following resolution was offered for adoption. The motion **carried** by five ayes. There were no nay votes.

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF JOHNSON CITY, That a street closing from 9:00 a.m. until 9:30 a.m. on Friday, July 4, 2014, as requested by Mountain States Health Alliance (MSHA) and Foot Rx for their 8th Annual Road Race, be and the same is hereby approved. Steve Pastorek, applicant, was present.

Upon motion by Commissioner Jenny Brock, seconded by Commissioner David Tomita, the following resolution was offered for adoption. The motion **carried** by five ayes. There were no nay votes.

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF JOHNSON CITY, That a street closing from 10:00 a.m. until 10:30 a.m. on Friday, July 4, 2014, as requested by the South Side Neighborhood for their Annual July 4th Parade, be and the same is hereby approved. Kathy Serago, applicant, was present.

Upon motion by Commissioner David Tomita, seconded by Vice-Mayor Clayton Stout, the following resolution was offered for adoption. The motion **carried** by five ayes. There were no nay votes.

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF JOHNSON CITY, That the pulling of the consideration of the annual lease renewal for Keystone Community Center and Artz-Cutshall Building from the Consent Agenda for June 19, 2014, be and the same is hereby approved.

Upon motion by Commissioner Jeff Banyas, seconded by Commissioner David Tomita, the following resolution was offered for adoption. The motion **carried** by five ayes. There were no nay votes.

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF JOHNSON CITY, That **deferral** of the consideration of a bid (Consent Agenda item) to Winegar Construction, Inc., for replacement of an exterior wall at the former People's Bank Building, in the amount of \$133,133, be and the same is hereby approved.

Upon motion by Commissioner Jeff Banyas, seconded by Vice-Mayor Clayton Stout, the following resolution was offered for adoption. The motion **carried** by five ayes. There were no nay votes.

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF JOHNSON CITY, That the remainder of the Consent Agenda for June 19, 2014, with the exception of the annual lease renewal for the Keystone Community Center and the Artz-Cutshall Building, be and the same is hereby approved.

CONSENT AGENDA:

A. GENERAL:

i. Public Works Department

Consider Annual Lease Renewal for Keystone Community Center and Artz-Cutshall Building

ii. Purchasing Department

Consider Surplus Request for the following: 19 Vehicles (Police Department) ~ 1 Vehicle (Development Services) ~ 1 Vehicle (EMA)

iii. Development Services (Community Development)

Review & Approval of an Agreement between the City and the First Tennessee Development District for the Administration and Implementation of the FY 2014-15 HUD CDBG Homeowner Rehabilitation Program

iv. Development Services (Community Development)

Review & Approval of an Agreement between the City and Appalachia Service Project, Inc. for the FY 2014-15 Homeowner Repair/Reconstruction Program in the amount of \$35,775.00

v. Transit

Consider approval for annual submission of applications for Federal Transit Administration (FTA) Section 5307 and Tennessee Department of Transportation (TDOT) Capital and Operating Funds

vi. Administration

Consider Stop-Loss Reinsurance Coverage

B. INVOICES:

- i. Washington County, Tennessee \$93,569.00
Finance Department
Collection Bill
Funding Source: General Fund \$89,076 / JCDA-TIF \$4,493
- ii. Inland Construction, Inc. \$29,264.27
Public Works Department ~ Pay Request #1
Tweetsie Trail Bridges No. 2 & No. 3
Funding Source: Capital Projects
- iii. Rainey Contracting \$13,189.31
Public Works Department
Demolition of Former WW Cab Company Building
Funding Source: Stormwater Fund
- iv. Hazen & Sawyer \$30,505.00
Water & Sewer Services
Lower Brush Creek Interceptor Replacement
Funding Source: Water/Sewer Bond
- v. Bracken & Associates LLC \$17,645.30
Johnson City Schools
Eight (8) Classroom Addition to Indian Trail Middle School
Funding Source: PEP Account
- vi. Internetwork Engineering \$12,600.50
Johnson City Schools
Wireless Equipment and Installation @ Various Locations
Funding Source: Washington County Funds

- vii. Morristown Roofing Company \$177,327.00
Johnson City Schools
Science Hill High School Partial Re-roofing
Funding Source: Washington County Bond Fund
- viii. Shaw & Shanks Architects \$826.62
Johnson City Schools
Sidewalk Canopies for Science Hill High School
Funding Source: Washington County Funds
- ix. Mechanical Design Services \$75.00
Johnson City Schools
Science Hill High School HVAC Upgrade
Funding Source: Washington County Bond Funds
- x. Mechanical Design Services \$6,620.36
Administration
Freedom Hall HVAC Modifications
Funding Source: Washington County Bond Funds
- xi. Hodge Electrical Contractors, Inc. \$116,850.00
Freedom Hall
Electrical Upgrades
Funding Source: Washington County Bond Fund/Capital Project Fund
- xii. Beeson, Lusk & Street Inc. Architects \$1,000.00
Johnson City Schools
Freedom Hall New Sidewalk & Exterior Steps
Funding Source: Washington County Funds
- xiii. Beeson, Lusk & Street Inc. Architects \$1,700.00
Administration
Re-roofing Washington County/Johnson City EMA Building
Funding Source: Capital Projects Fund

- xiv. Floyd Storie Roofing Contractors, Inc. \$2,228.63
Administration ~ **FINAL PAYMENT**
Re-roofing Washington County/Johnson City EMA Building
Funding Source: Capital Projects Fund

C. BIDS:

- i. Winegar Construction Inc. \$133,133.00
Public Works Department ~ ITB #5814
Replacement of Exterior Wall at Former Peoples Bank Building
Funding Source: Capital Project Fund

D. PURCHASES:

- i. Local Government Corporation. \$42,027.50
Information Technology Department
Software Renewal
Funding Source: Budgeted Expense

E. PROPOSALS:

- i. Ricoh USA, Inc. \$160,015.08
Johnson City Schools ~ RFP #5827
Copier Contract
Funding Source: Budgeted Expense

At this time, a motion made by Mayor Ralph Van Brocklin to approve the annual lease agreements for the Keystone Community Center and Artz-Cutshall Building, with a 10% increase in the rental charge, **died** for the lack of a second, after Vice-Mayor Stout withdrew his second.

Upon motion by Commissioner David Tomita, seconded by Vice-Mayor Clayton Stout, the following resolution was offered for adoption. The motion **carried** by five ayes. There were no nay votes.

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF JOHNSON CITY, That the annual lease agreements for the Keystone Community Center and Artz-Cutshall Building, as presented by City Staff, be and the same are hereby approved.

At this time, a public hearing was held regarding Ordinance No. 4543-14. No one spoke for or against this item.

Upon motion by Commissioner Jeff Banyas, seconded by Commissioner Jenny Brock, **Ordinance No. 4543-14**, "AN ORDINANCE TO AMEND SECTIONS 6.30.1 AND 6.30.3.3, OF THE DESIGN OVERLAY (DO) DISTRICT, OF THE ZONING CODE OF JOHNSON CITY, TENNESSEE CONCERNING DESIGN STANDARDS FOR EXTERIOR BUILDING WALLS," was ***passed on second reading***. The motion ***carried*** by five ayes. There were no nay votes.

At this time, a public hearing was held regarding Ordinance No. 4545-14. No one spoke for or against this item.

Upon motion by Commissioner David Tomita, seconded by Vice-Mayor Clayton Stout, **Ordinance No. 4545-14**, "AN ORDINANCE TO ANNEX CERTAIN PROPERTY KNOWN AS THE 4506 BRISTOL HIGHWAY ANNEXATION AND TO ZONE SAID PROPERTY B-4 (PLANNED ARTERIAL BUSINESS)," was ***passed on second reading***. The motion ***carried*** by four ayes. Commissioner Jeff Banyas was absent from the Chambers. There were no nay votes.

At this time, a public hearing was held regarding the Plan of Services for the annexation of 4506 Bristol Highway. No one spoke for or against this item.

Upon motion by Commissioner Jenny Brock, seconded by Commissioner David Tomita, the following resolution was offered for adoption. The motion ***carried*** by four ayes. Commissioner Jeff Banyas was absent from the Chambers. There were no nay votes.

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF JOHNSON CITY, That the Plan of Services for the annexation of 4506 Bristol Highway, be and the same is hereby approved.

Upon motion by Vice-Mayor Clayton Stout, seconded by Commissioner Jenny Brock, the following resolution was offered for adoption. The motion ***carried*** by five ayes. There were no nay votes.

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF JOHNSON CITY, That the Concept Plan for the annexation of 4506 Bristol Highway with B-4 (Planned Arterial Business) zoning, and for the rezoning from R-2 (Low Density Residential) to B-4 (Planned Arterial Business) for property located at 4504 Bristol Highway, be and the same is hereby approved.

At this time, a public hearing was held regarding Ordinance No. 4546-14. No one spoke for or against this item.

Upon motion by Commissioner David Tomita, seconded by Commissioner Jeff Banyas, **Ordinance No. 4546-14**, "AN ORDINANCE TO REZONE FROM R-2 (LOW DENSITY RESIDENTIAL) TO B-4 (PLANNED ARTERIAL BUSINESS) PROPERTY LOCATED AT 4504 BRISTOL HIGHWAY," was **passed on second reading**. The motion **carried** by five ayes. There were no nay votes.

Upon motion by Commissioner Jenny Brock, seconded by Commissioner Jeff Banyas, **Ordinance No. 4527-14**, "AN ORDINANCE TO REZONE FROM B-2 (CENTRAL BUSINESS) TO B-3 (SUPPORTING CENTRAL BUSINESS) PROPERTY LOCATED AT 500 W. WALNUT STREET," was **passed on third reading** as follows: Mayor Ralph Van Brocklin and Commissioners Jeff Banyas and Jenny Brock voted aye. Vice-Mayor Clayton Stout and Commissioner David Tomita voted nay.

ORDINANCE NO. 4527-14

AN ORDINANCE TO AMEND THE ZONING MAP OF THE CITY OF JOHNSON CITY, TENNESSEE BEING PART OF THE APPENDIX TO ORDINANCE NO. 1519 ENTITLED "AN ORDINANCE TO ADOPT A CODE OF LAWS AND ORDINANCES FOR THE CITY OF JOHNSON CITY, TENNESSEE, AND TO REPEAL ALL LAWS AND ORDINANCES IN CONFLICT THEREWITH", AND AMENDATORY THEREOF, BY CHANGING FROM A B-2 (CENTRAL BUSINESS) DISTRICT TO A B-3 (SUPPORTING CENTRAL BUSINESS) DISTRICT CERTAIN PROPERTY LOCATED AT 500 W. WALNUT STREET.

BE IT ORDAINED BY THE CITY OF JOHNSON CITY AS FOLLOWS:

SECTION 1. That the Zoning Map of the city of Johnson City, Tennessee, being a part of the appendix to Ordinance No. 1519 entitled, "An Ordinance to Adopt a Code of Laws and Ordinances for the City of Johnson City, Tennessee, and to Repeal All Laws and Ordinances in Conflict Therewith," and all ordinances supplementary thereto and amendatory thereof, be and the same is hereby amended and modified by changing the zoning on the following described property from a B-2 (Central Business) District to a B-3 (Supporting Central Business) District.

See description marked "Exhibit 'A'" hereto.

See map of the above-described property marked "Exhibit 'B'" hereto.

SECTION 2. BE IT FURTHER ORDAINED, That all ordinances and parts of ordinances in conflict herewith be and the same are hereby repealed.

SECTION 3. BE IT FURTHER ORDAINED, That this ordinance shall take effect from and after its passage on third and final reading and publication as required by law, the public welfare requiring it.

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| PASSED ON FIRST READING | <u>5/01/2014</u> |
| PASSED ON SECOND READING | <u>6/05/2014</u> |
| PASSED ON THIRD READING | <u>6/19/2014</u> |
| APPROVED AND SIGNED IN OPEN MEETING | |
| ON THE <u>19th</u> DAY OF <u>June</u> , 20 <u>14</u> | |

/s/ Ralph Van Brocklin
MAYOR

ATTEST:

/s/ Janet Jennings
City Recorder

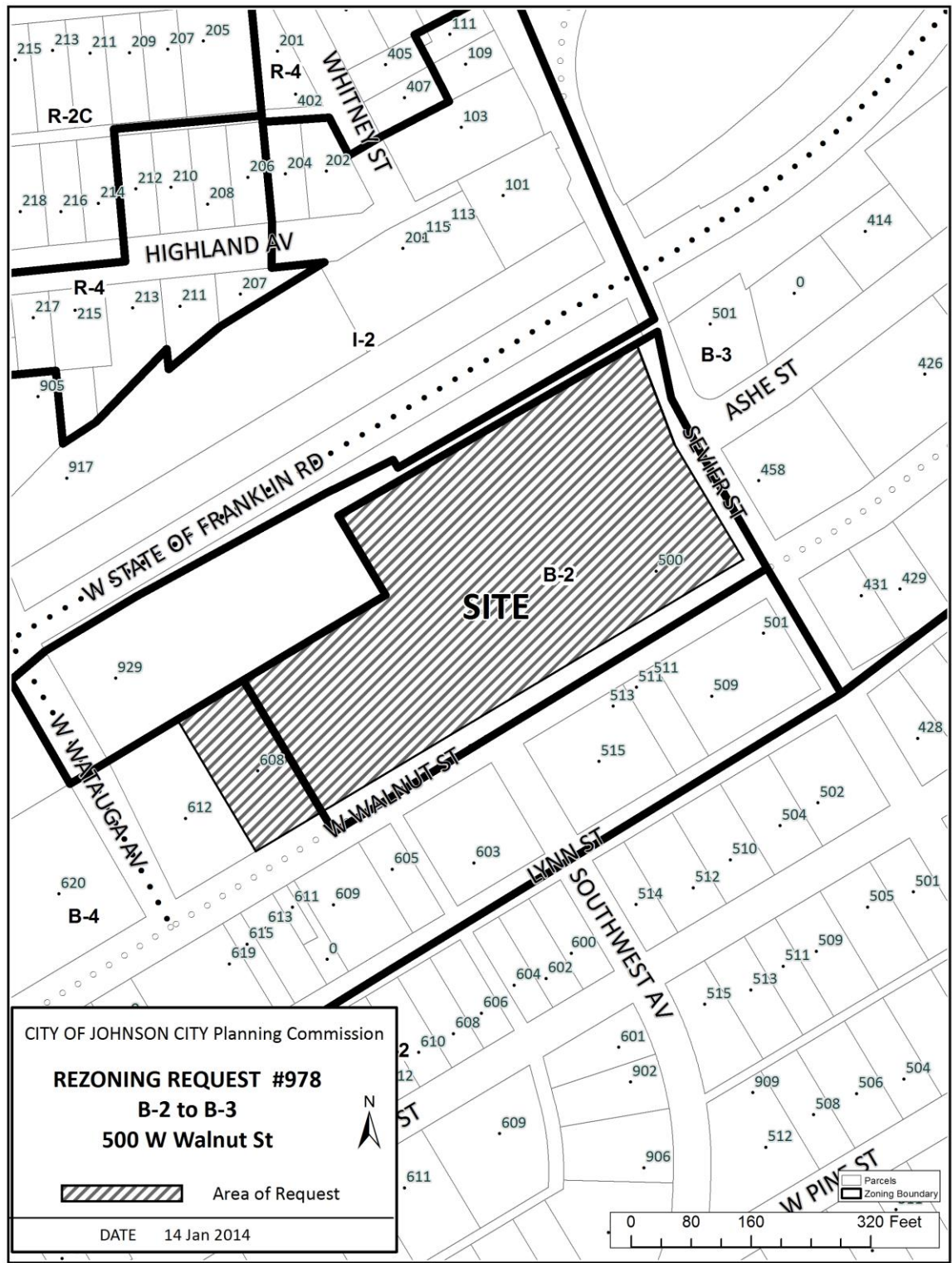
APPROVED AS TO FORM:

/s/ James H. Epps, IV
City Attorney

"Exhibit 'A'"

BEGINNING at a point, said point being the intersection of the centerlines of Sevier Street and West Walnut Street; thence in a southwesterly direction along the centerline of West Walnut Street to a point, said point being the intersection of the common line extended of Mennel Milling Company and State of Franklin Savings Bank, Inc.; thence in a northwesterly direction along the common line extended and common line of Mennel Milling Company and State of Franklin Bank Savings, Inc.; to a point, said point being the northwesterly corner for Mennel Milling Company; thence in a northeasterly direction along the common line of Mennel Milling Company and Mize Farm & Garden to a point, said point being the southeasterly corner for Mize Farm & Garden; thence in a northwesterly direction along the common line of Mennel Milling Company and Mize Farm & Garden to a point, said point being the northerly corner for Mennel Milling Company; thence in a northeasterly direction along the common line and common line extended of Mennel Milling Company and Mize Farm & Garden to a point in the centerline of Sevier Street; thence in a southeasterly direction along the centerline of Sevier Street to the point of **BEGINNING**.

"Exhibit 'B'"



Upon motion by Commissioner Jenny Brock, seconded by Commissioner David Tomita, **Ordinance No. 4547-14**, "AN ORDINANCE TO CALL FOR A REFERENDUM TO AMEND THE CHARTER OF THE CITY OF JOHNSON CITY AND TO SUBMIT SAID AMENDMENT TO THE QUALIFIED VOTERS IN THE NEXT GENERAL ELECTION TO BE HELD ON THE FIRST TUESDAY IN NOVEMBER 2014, AND TO REQUEST THE ELECTION COMMISSIONERS TO PLACE THE PROPOSED AMENDMENT UPON THE OFFICIAL BALLOT," was ***passed on first reading***. The motion ***carried*** by five ayes. There were no nay votes.

At this time, a public hearing was held regarding Ordinance No. 4548-14. Lester Lattany, CEO, United Way, spoke regarding special appropriation funding, as well as the need for incremental property taxes. Jennifer Whitehead, Coordinator, Community Day Center, spoke regarding the negative impact of losing their special appropriation funding from the City of Johnson City and requested continued financial support from the City. Bill Coleman, UMOJA committee, requested continued financial support from the City for the UMOJA/Unity Day Festival. Suzanne Burik-Burleson, Johnson City Area Arts Council, requested continued financial support from the City. Kathy Hall, Johnson City Schools, requested additional funding for Schools totaling \$3.4 million. Tom McKee, spoke regarding the need for ongoing property tax increases to adequately fund City Services and Schools. Phyllis Thompson, Director of Women's Studies, ETSU, spoke regarding how violence against women in the community negatively impacts growth and development in the community. She requested continued financial support from the City for the following not-for-profit agencies that operate programs to address these issues: Safe Passage, Girls Inc., and Coalition for Kids. Jim Miller, Tipton Haynes Historic Site, requested continued financial support from the City.

At this time, Mayor Ralph Van Brocklin made a motion to approve **Ordinance 4548-14**, "AN ORDINANCE TO ESTABLISH PROPERTY TAX RATES, APPROPRIATE FUNDS, AND ADOPT A BUDGET FOR FISCAL YEAR JULY 1, 2014, THROUGH JUNE 30, 2015," on first reading, as presented by City Staff. Commissioner David Tomita seconded the motion.

Upon motion by Mayor Ralph Van Brocklin, seconded by Commissioner Jenny Brock, the following resolution was offered for adoption. The motion ***failed*** as follows: Mayor Ralph Van Brocklin and Commissioner Jenny Brock voted aye. Vice-Mayor Clayton Stout and Commissioners Jeff Banyas and David Tomita voted nay.

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF JOHNSON CITY, That the following amendments to the currently proposed budget: 1) Provide an 22 cent increase in the property tax rate (10 cents for the Johnson City School System and 12 cents for the General Fund of the City), 2) Eliminate \$628,000 in budget cuts (Six Police Officers \$285,000, Special Appropriations "Bridge Funding" \$161,000, Special Prosecutor Salary \$80,000, Legion Street Pool \$62,000, Fire Helmets \$20,000, Televised Meetings \$20,000), 3) Appropriate \$350,000 in funding for the Farmer's Market, 4) Appropriate \$200,000 in funding for the line between Freedom Hall and the Central Plant, and 5) Additional cuts to be implemented at the discretion of the City Manager, as required for a balanced budget, be and the same are hereby **denied**.

At this time, a motion was made by Commissioner Jeff Banyas and seconded by Commissioner David Tomita to approve the following amendments to the currently proposed budget: 1) Reduce Public Works \$515,000, Reduce Parks and Recreation (Playgrounds) \$80,000, Eliminate the Convention and Visitors Bureau Increase \$12,168, Eliminate Elections \$75,000 (Total Savings \$682,168), 2) Increase Gas Franchise Tax Revenue \$220,000 (due to timing, only \$110,000 will hit the current year), 3) Make up partial year Gas Franchise Tax reduction by eliminating Cardinal Park Improvements \$125,000 (Total available savings and additional revenue to appropriate \$902,168), 4) Increase funding for Schools \$500,000, Special Prosecutor \$40,000 (request the other \$40,000 in funding from the County), Police Officers (up to 6) \$285,000, Legion Street Pool \$62,000 and Televised Commission Meetings \$20,000 (Total additional spending \$907,000), and 5) Fund \$350,000 for the site work on the Farmer's Market out of fund balance.

At this time, Vice-Mayor Clayton Stout made a motion to amend the previous amendment as follows: 1) Reduce resurfacing budget \$790,000, 2) Increase appropriation to Schools \$600,000, and 3) Increase special appropriations budget \$190,000. Commissioner David Tomita seconded the motion, which **failed** as follows: Vice-Mayor Clayton Stout and Commissioner David Tomita voted aye. Mayor Ralph Van Brocklin and Commissioners Jeff Banyas and Jenny Brock voted nay.

At this time, a motion made by Commissioner David Tomita and seconded by Vice-Mayor Clayton Stout to incur capital outlay notes to finance capital up to \$1 million was **withdrawn**.

At this time, voting resumed on the motion previously made by Commissioner Jeff Banyas and seconded by Commissioner David Tomita. **Ordinance No. 4548-14**, "AN ORDINANCE TO ESTABLISH PROPERTY TAX RATES, APPROPRIATE FUNDS, AND ADOPT A BUDGET FOR FISCAL YEAR JULY 1, 2014, THROUGH JUNE 30, 2015," as amended to provide additional funding of \$902,168 from Public Works \$515,000, Parks and Recreation (Playgrounds) \$80,000, Convention and Visitors Convention Bureau appropriation \$12,168 and Elections \$75,000 and by increasing the Gas Franchise Tax \$220,000 (\$110,000 will hit the current year; difference to be provided by eliminating Cardinal Park Improvements \$125,000), to appropriate additional funding of \$907,000 to Schools \$500,000, Special Prosecutor \$40,000 (request the other \$40,000 in funding from the County), Police Officers (up to 6) \$285,000, Legion Street Pool \$62,000 and Televised Commission Meetings \$20,000, and to Fund \$350,000 for the Farmer's Market site work out of fund balance, was **passed** on **first reading** as follows: Vice-Mayor Clayton Stout and Commissioners Jeff Banyas and David Tomita voted aye. Mayor Ralph Van Brocklin and Commissioner Jenny Brock voted nay.

There being no further business or discussion, Mayor Ralph Van Brocklin adjourned the meeting at 10:04 p.m.

RALPH VAN BROCKLIN
MAYOR

JANET JENNINGS
CITY RECORDER

ITEMS DEFERRED:

1. Consideration of a bid (Consent Agenda item) to Winegar Construction, Inc., for replacement of an exterior wall at the former People's Bank Building, in the amount of \$133,133.

ACTION ITEMS:

1. None.